



**Haines Borough
Planning Commission Meeting
September 10, 2015
MINUTES**

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Goldberg** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.

2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, Commissioners Lee **Heinmiller**, Heather **Lende**, Brenda **Josephson**, Rob **Miller**, Don **Turner III**, and Robert **Venables** (called in).

Staff Present: Jan **Hill**/Mayor, David **Sosa**/Manager, Shawn **Bell**/Harbormaster, and Tracy **Cui**/Planning and Zoning Technician III.

Also Present: Mike **Case** (Assembly liaison), Diana **Lapham** (Assembly member), Dick **Somerville** (PND, called in), Bill **Kurz**, Debra **Schnabel**, John **Sickman**, Ardy **Miller**, Dave **Nanney**, Adam **McMahan**, Emily **McMahan**, Evelyn **Vignola**, David **Smith**, Jeremy **Stephens**, Tresham **Gregg**, Joe **Parnell**, Sean **Gaffney**, and others.

3. **APPROVAL OF AGENDA**

Goldberg suggested moving 10D1 to be the first public hearing item. The other commissioners agreed.

Motion: **Lende** moved to “approve the agenda as amended.” **Josephson** seconded it. The motion carried unanimously.

4. **APPROVAL OF MINUTES** – August 13, 2015 Regular Meeting Minutes

Motion: **Miller** moved to “approve the August 13, 2015 minutes.” **Heinmiller** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS**

Schnabel spoke in favor of the “shops on wheels” commercial development on behalf of the commerce committee.

6. **CHAIRMAN’S REPORT**

Goldberg reported updates on the picture point project.

7. **STAFF REPORTS**

A. Planning & Zoning Staff Report

Cui reported monthly permits and updates on projects.

8. **PUBLIC HEARINGS**

A. South Portage Cove Harbor Expansion Project

Goldberg opened the hearing at 6:40 p.m., and closed the hearing at 8:10 p.m.

Kurz, **Schnabel**, **Nanney**, **Gregg**, **Parnell**, and others commented. The commission determined that the project design meets the goals of the Comprehensive Plan and is consistent with the current planning and zoning

requirements. There was uncertainty about this at the meeting, and how the regulation might affect the design of the harbor. The commissioners think it is wise to protect the Borough's investment before corrosion begins. A suggestion was made that funds from the Raw Fish Tax be directed toward purchasing and installing the anodes. **Miller** said that Mr. Harvey Smith could provide the Borough a second opinion of the design at no charge. It is possible that he could suggest changes that could make the project better or save money.

Motion: **Goldberg** moved to "recommend the Assembly (1) seek a review of PND's design from Harvey Smith, the State Coastal Engineer; (2) determine the Coast Guard regulations for boating in proximity to cruise ships; (3) install sacrificial anodes on the wave barrier upon installation; (4) move Lookout Park to a spot designated on the plan by PND Engineers. The motion carried 5-1 with **Lende** opposed. (**Venables** left during the hearing.)

B. Hill Top Subdivision Preliminary Long Plat Approval

Josephson recused herself.

The commission reviewed the design of the subdivision plans. The design drawings were done in 1997. Borough code has changed since that time, especially in the standards for roads and sewer systems. Many of the aspects of the subdivision's design were found to be out of compliance with the current code. There is also a cloudy title on part of the property. The commission decided to return the plat to the applicant for corrections, and encouraged the applicant to clear the title to the entire property. A committee consisting of Commissioners **Turner** and **Lende** was formed to work with the applicant to make the necessary changes before the preliminary plat is re-submitted.

9. UNFINISHED BUSINESS – None

10. NEW BUSINESS

A. Historic District/Building Review: None

B. Haines Borough Code Amendments

1. Clarify "Temporary Commercial Structure"

The commission postponed this topic to its next regular meeting.

2. Nonconforming Lot for A Public Utility Project

Cui said that the Borough plans an upgrade to the Piedad Springs water source. In order to proceed with the project, the Borough needs to purchase a small portion of property. However, the purchase will result in the creation of a nonconforming lot, which is less than one acre. Staff drafted an ordinance which will allow a nonconforming lot be created as a result of the Borough acquiring a portion of a lot to be used exclusively for public utility purposes. There is no requirement for Title 18 amendments to originate with the Planning Commission. The motion was made.

C. Project Updates – None

D. Other New Business

1. John Sickman – Appeal to the Planning Commission

Mr. Sickman was denied a building permit for a residence in the Skyline Subdivision because Borough staff and the Manager determined that the design exceeded the 30' height restriction. HBC 18.80.030(B) states: "Height

is measured from the average grade of the footprint of the structure to the highest point on the structure, measured at the center of each of the four exterior walls." It was determined that there was a difference in the way that Borough staff calculated the average grade from the way that Mr. Sickman's architect calculated average grade. Borough staff measured from the ground at the center of the four walls to the highest point of the structure. The architect determined average grade by taking a point at the highest point of the wall, and a point at the lowest end of the wall, connecting those points with a line, and then measuring from a point on that line at the center of the wall. If the slope of the grade on the sides of the building was even and consistent, these two methods of measurement result in the same number. However, in Mr. Sickman's design, one side of the building is excavated to allow room for a garage. The slope drops sharply from the high end to a pad and remains flat for the rest of the building. Measuring from the ground in the center of the wall, instead of from the average grade, gives a greater height. HBC 18.20.020 defines "Building height" as the maximum vertical dimension of a building which is measured from a horizontal plane intersecting the mean building grade and measured at the center of each of the four exterior walls, but not including radio antennas, water towers, church spires, structures or enclosures constructed primarily for mechanical equipment and similar building mechanical features. This definition makes it clear that the height is measured from a horizontal plane intersecting the mean building grade, and not from the ground.

Motion: Miller moved to "overturn the manager's decision." Josephson seconded it. The motion carried 6-0 with Venables absent.

The commission agreed that the definition of height in the code needs to be refined.

11. **COMMISSION COMMENTS**

Josephson spoke regarding the minor offenses ordinance.

12. **CORRESPONDENCE** - None

13. **SET MEETING DATES**

A. Regular Meeting—Thursday, October 15, 2015.

14. **ADJOURNMENT**— 11:45 p.m.